

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-785 SI
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME UNDER THE SPEEDY
v.)	TRIAL ACT AND REQUESTING A CHANGE
)	OF PLEA HEARING ON JANUARY 25, 2008
SISILIA OSAI,)	
)	
Defendant.)	
_____)	

With the agreement of the parties, the Court enters this order setting the matter on January 25, 2008, at 11:00 a.m., or the earliest available date thereafter, for a change of plea, and excluding time from the date of this order to January 25, 2008, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) and (h)(1)(G). The parties agree, and the Court finds and holds, as follows:

1. The above-captioned case was transferred to the Northern District of California from the District of Hawaii pursuant to Rule 20 of the Federal Rules of Criminal Procedure. The Clerk's Office for the Northern District of California officially accepted the transfer on December 12, 2007. The period of time between the case being transferred from the District of Hawaii through and including December 12, 2007 is excluded from the Speedy Trial Act pursuant to Section 3161(h)(1)(G).

1 2. Ordinarily, under these circumstances, the parties would request the first available date for
2 a change of plea before this Court. However, prior to the transfer of her case, the defendant, Sisilia
3 Osai, had been represented by Josh Cohen, formerly of the Office of the Federal Public Defender
4 (OFPD). Upon Mr. Cohen's departure from the office, her case was transferred to FPD Ronald
5 Tyler. Mr. Tyler will be unavailable and unable to meet with his client or appear in court for the
6 remainder of 2007. The Assistant United States Attorney handling the case, Candace Kelly, will be
7 out of the country and unavailable from January 1, 2008 through and including January 21, 2008.

8 3. Due to the unavailability of counsel for both parties, the first available date to set the
9 change of plea in this matter is January 25, 2008 at 11:00 a.m. before this Court. The parties jointly
10 request that this matter be set on that date, or the earliest available date thereafter, for a change of
11 plea.

12 4. The Court finds that there is good cause for the extension of time described in paragraphs
13 2 and 3 above, and that the ends of justice served by granting these continuances outweigh the best
14 interests of the public and of the defendant in a speedy trial and the prompt disposition of criminal
15 cases. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). The Court further finds that failure to grant the
16 continuance would deny both parties continuity of counsel under 18 U.S.C. § 3161(h)(8)(B)(iv).

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1 5. Accordingly, and with the consent of the defendant, the Court (1) sets the change of plea
2 hearing for January 25, 2008, at 11:00 a.m., (2) continues the matter until that time, and (3) orders
3 that the period from the date of this order through and including January 25, 2008 be excluded from
4 the Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

5
6 SO STIPULATED.

7 DATED: December 14, 2007

8 /S/
RONALD TYLER
Attorney for Defendant Osai

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11 DATED: December 14, 2007

12 /S/
CANDACE KELLY
Assistant United States Attorney

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15 IT IS SO ORDERED.

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17 DATED: _____



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SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE